

EXHIBIT 12

FILED UNDER SEAL

15 HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY, SOURCE CODE

22 Reported by:
23 Lynda L. Fenn, CSR, RPR
24 CSR No. 12566
25 JOB No. 5577014

1 appearances and affiliations for the record. 09:04:10

2 MR. BOYEA: Michael Boyea from Lee, 09:04:14

3 Sullivan, Shea & Smith on behalf of Sonos. 09:04:20

4 MR. KAPLAN: This is Marc Kaplan from Quinn 09:04:21

5 Emanuel Urquhart & Sullivan on behalf of Google and 09:04:28

6 the witness and with me today is Patrick Weston from 09:04:31

7 Google. 09:04:38

8 THE VIDEOGRAPHER: Thank you. 09:04:39

9 Will the court reporter please swear in the 09:04:40

10 witness. 09:04:57

11 THE COURT REPORTER: Mr. Maclellan, please 09:04:57

12 raise your right hand. 09:04:59

13

14 TAVIS MACLELLAN, 09:05:00

15 produced as a witness on behalf of the 09:05:02

16 Plaintiff/Defendant, and having been first duly 09:05:04

17 sworn, was examined and testified as follows: 09:05:06

18

19 EXAMINATION 09:05:08

20 BY MR. BOYEA:

21 Q Good morning, please state and spell your 09:05:02

22 name for the record? 09:05:05

23 A My name is Tavis Maclellan, first name 09:05:05

24 Tavis, T-a-v-i-s, last name Maclellan, 09:05:07

25 M-a-c-l-e-l-l-a-n. 09:05:13

1 BY MR. BOYEA: 09:41:34
2 Q Well, yeah, you -- so we were talking about 09:41:35
3 [REDACTED] 09:41:37
4 [REDACTED] 09:41:40
5 [REDACTED] 09:41:45
6 [REDACTED] 09:41:47
7 [REDACTED] 09:41:50
8 [REDACTED] 09:41:53
9 A Uh-huh. 09:41:55
10 [REDACTED] 09:41:57
11 [REDACTED] 09:41:59
12 [REDACTED] 09:42:03
13 [REDACTED] 09:42:07
14 [REDACTED] 09:42:10
15 [REDACTED] 09:42:12
16 [REDACTED] 09:42:16
17 [REDACTED] 09:42:19
18 [REDACTED] 09:42:23
19 [REDACTED] 09:42:25
20 [REDACTED] 09:42:28
21 [REDACTED] 09:42:32
22 [REDACTED] 09:42:35
23 Q Okay. 09:42:46
24 So other than a hub do you know is stream 09:42:47
25 transfer -- let me strike that. 09:42:50

1 A At a high level or are you asking, like, 10:42:09
2 [REDACTED] 10:42:12
3 [REDACTED] 10:42:13
4 A I mean, I can run through the -- 10:42:15
5 Q Sure. Yeah, that would be great. 10:42:20
6 [REDACTED] 10:42:25
7 [REDACTED] 10:42:31
8 [REDACTED] 10:42:35
9 [REDACTED] 10:42:40
10 [REDACTED] 10:42:44
11 [REDACTED] 10:42:46
12 [REDACTED] 10:42:48
13 [REDACTED] 10:42:54
14 [REDACTED] 10:42:57
15 [REDACTED] 10:42:58
16 [REDACTED] 10:43:04
17 [REDACTED] 10:43:08
18 [REDACTED] 10:43:12
19 [REDACTED] 10:43:15
20 [REDACTED] 10:43:19
21 [REDACTED] 10:43:21
22 [REDACTED] 10:43:35
23 [REDACTED] 10:43:37
24 [REDACTED] 10:43:41
25 [REDACTED] 10:43:43

1 your question was? 11:36:47
2 Q Yeah. 11:36:48
3 [REDACTED] 11:36:48
4 [REDACTED] 11:36:53
5 [REDACTED] 11:36:57
6 [REDACTED] 11:37:01
7 [REDACTED] 11:37:05
8 [REDACTED] 11:37:14
9 MR. KAPLAN: Object to form. 11:37:15
10 THE WITNESS: So, like I said, there are 11:37:18
11 [REDACTED] 11:37:21
12 [REDACTED] 11:37:28
13 [REDACTED] 11:37:31
14 [REDACTED] 11:37:35
15 [REDACTED] 11:37:38
16 [REDACTED] 11:37:41
17 [REDACTED] 11:37:43
18 [REDACTED] 11:37:47
19 BY MR. BOYEAS: 11:37:55
20 Q So do you have any understanding of the 11:37:55
21 [REDACTED] 11:37:57
22 MR. KAPLAN: Object to form. 11:38:08
23 [REDACTED] 11:38:09
24 [REDACTED] 11:38:15
25 [REDACTED] 11:38:19

1 [REDACTED] 13:37:24
2 [REDACTED] 13:37:26
3 [REDACTED] 13:37:28
4 [REDACTED] 13:37:30
5 [REDACTED] 13:37:31
6 [REDACTED] 13:37:33
7 [REDACTED] 13:37:38
8 MR. BOYEA: Okay. 13:37:40
9 BY MR. BOYEA: [REDACTED] 13:37:40
10 [REDACTED] 13:37:42
11 [REDACTED] 13:37:45
12 [REDACTED] 13:37:50
13 [REDACTED] 13:37:55
14 [REDACTED] 13:37:58
15 [REDACTED] 13:38:01
16 [REDACTED] 13:38:02
17 [REDACTED] 13:38:04
18 [REDACTED] 13:38:09
19 [REDACTED] 13:38:11
20 [REDACTED] 13:38:14
21 [REDACTED] 13:38:17
22 [REDACTED] 13:38:21
23 [REDACTED] 13:38:25
24 Q Okay. So, let me just summarize where 13:38:25
25 we're at, because I know you think we're going to 13:38:27

1 [REDACTED] 13:38:30
2 [REDACTED] 13:38:33
3 [REDACTED] 13:38:35
4 [REDACTED] 13:38:41
5 [REDACTED] 13:38:45
6 [REDACTED] 13:38:50
7 MR. KAPLAN: Object to form. 13:38:52
8 [REDACTED] 13:38:52
9 [REDACTED] 13:38:59
10 [REDACTED] 13:39:01
11 BY MR. BOYEAS: 13:39:01
12 [REDACTED] 13:39:02
13 [REDACTED] 13:39:06
14 MR. KAPLAN: Object to form. 13:39:07
15 [REDACTED] 13:39:07
16 [REDACTED] 13:39:09
17 [REDACTED] 13:39:11
18 [REDACTED] 13:39:12
19 [REDACTED] 13:39:15
20 [REDACTED] 13:39:18
21 [REDACTED] 13:39:21
22 [REDACTED] 13:39:23
23 [REDACTED] 13:39:24
24 [REDACTED] 13:39:27
25 MR. KAPLAN: Object to form. 13:39:32

| | | |
|----|---|----------|
| 1 | | 13:39:33 |
| 2 | | 13:39:37 |
| 3 | | 13:39:39 |
| 4 | | 13:39:41 |
| 5 | | 13:39:45 |
| 6 | | 13:39:50 |
| 7 | | 13:39:50 |
| 8 | | 13:39:52 |
| 9 | | 13:39:57 |
| 10 | | 13:40:00 |
| 11 | | 13:40:03 |
| 12 | | 13:40:04 |
| 13 | | 13:40:05 |
| 14 | | 13:40:09 |
| 15 | | 13:40:14 |
| 16 | | 13:40:18 |
| 17 | MR. KAPLAN: Same objection. | 13:40:21 |
| 18 | | 13:40:22 |
| 19 | | 13:40:24 |
| 20 | | 13:40:27 |
| 21 | MR. BOYEA: Correct. Okay. | 13:40:32 |
| 22 | Now is a good time to take a break if you | 13:40:33 |
| 23 | want and then we can continue after. | 13:40:35 |
| 24 | MR. KAPLAN: That's fine. | 13:40:38 |
| 25 | MR. BOYEA: We can keep going, it's up to | 13:40:38 |

1 you, Mr. Maclellan. 13:40:41

2 THE WITNESS: No, we can take a short 13:40:42

3 break. 13:40:44

4 MR. BOYEA: Five or ten minutes again? 13:40:45

5 THE WITNESS: Let's do ten minutes. 13:40:46

6 MR. BOYEA: Perfect. Okay. 13:40:48

7 THE VIDEOGRAPHER: We are going off the 13:40:49

8 record. The time is 1:40 p.m. 13:40:50

9 (Brief interruption in proceedings.) 13:55:07

10 THE VIDEOGRAPHER: We are back on record. 13:55:07

11 The time is 1:55 p.m. 13:55:09

12 BY MR. BOYEA: 13:55:12

13 Q Welcome back, Mr. Maclellan. 13:55:13

14 [REDACTED] 13:55:14

15 [REDACTED] 13:55:16

16 [REDACTED] 13:55:19

17 [REDACTED] 13:55:24

18 A Okay. I'm there. 13:55:32

19 MR. BOYEA: And for the record, this is 13:55:34

20 [REDACTED] 13:55:35

21 [REDACTED] 13:55:37

22 BY MR. BOYEA: 13:55:39

23 [REDACTED] 13:55:42

24 [REDACTED] 13:55:46

1 [REDACTED] 13:55:52
2 MR. KAPLAN: Object to form. 13:55:58
3 [REDACTED] 13:56:01
4 [REDACTED] 13:56:02
5 [REDACTED] 13:56:07
6 [REDACTED] 13:56:13
7 [REDACTED] 13:56:17
8 [REDACTED] 13:56:19
9 [REDACTED] 13:56:22
10 [REDACTED] 13:56:22
11 [REDACTED] 13:56:25
12 [REDACTED] 13:56:32
13 [REDACTED] 13:56:34
14 [REDACTED] 13:56:38
15 [REDACTED] 13:56:38
16 [REDACTED] 13:56:43
17 [REDACTED] 13:56:46
18 [REDACTED] 13:56:49
19 [REDACTED] 13:56:52
20 [REDACTED] 13:56:54
21 [REDACTED] 13:57:00
22 [REDACTED] 13:57:04
23 [REDACTED] 13:57:04
24 [REDACTED] 13:57:06
25 [REDACTED] 13:57:10

1
2
3
4
5
6 MR. BOYEA: Okay. 13:57:13
7 BY MR. BOYEA: 13:57:15
8 Q All right. 13:57:19
9
10
11
12
13
14
15 MR. KAPLAN: Object to form. 13:57:19
16
17
18
19
20
21
22
23
24
25

| | | |
|----|--|----------|
| 1 | | 13:58:24 |
| 2 | | 13:58:26 |
| 3 | | 13:58:31 |
| 4 | | 13:58:34 |
| 5 | | 13:58:38 |
| 6 | | 13:58:40 |
| 7 | | 13:58:42 |
| 8 | | 13:58:45 |
| 9 | | 13:58:47 |
| 10 | | 13:58:52 |
| 11 | | 13:58:54 |
| 12 | | 13:58:55 |
| 13 | | 13:58:59 |
| 14 | | 13:59:02 |
| 15 | | 13:59:05 |
| 16 | | 13:59:07 |
| 17 | | 13:59:10 |
| 18 | | 13:59:14 |
| 19 | | 13:59:17 |
| 20 | | 13:59:21 |
| 21 | | 13:59:23 |
| 22 | | 13:59:25 |
| 23 | | 13:59:27 |
| 24 | | 13:59:31 |
| 25 | | 13:59:34 |

Page 171

| | | |
|----|--|----------|
| 1 | | 13:59:38 |
| 2 | | 13:59:41 |
| 3 | | 13:59:44 |
| 4 | | 13:59:46 |
| 5 | | 13:59:51 |
| 6 | | 13:59:54 |
| 7 | | 14:00:00 |
| 8 | | 14:00:03 |
| 9 | | 14:00:06 |
| 10 | | 14:00:07 |
| 11 | | 14:00:10 |
| 12 | | 14:00:15 |
| 13 | | 14:00:17 |
| 14 | | 14:00:20 |
| 15 | | 14:00:24 |
| 16 | | 14:00:27 |
| 17 | | 14:00:29 |
| 18 | | 14:00:30 |
| 19 | | 14:00:34 |
| 20 | | 14:00:35 |
| 21 | | 14:00:38 |
| 22 | | 14:00:41 |
| 23 | | 14:00:43 |
| 24 | | 14:00:50 |
| 25 | | 14:00:53 |

| | | |
|----|--|----------|
| 1 | | 14:00:58 |
| 2 | | 14:01:00 |
| 3 | | 14:01:01 |
| 4 | | 14:01:04 |
| 5 | | 14:01:09 |
| 6 | | 14:01:11 |
| 7 | | 14:01:12 |
| 8 | | 14:01:14 |
| 9 | | 14:01:17 |
| 10 | | 14:01:21 |
| 11 | | 14:01:23 |
| 12 | | 14:01:24 |
| 13 | | 14:01:27 |
| 14 | | 14:01:30 |
| 15 | | 14:01:33 |
| 16 | | 14:01:36 |
| 17 | | 14:01:37 |
| 18 | | 14:01:40 |
| 19 | | 14:01:43 |
| 20 | | 14:01:47 |
| 21 | | 14:01:48 |
| 22 | | 14:01:50 |
| 23 | | 14:01:53 |
| 24 | | 14:01:55 |
| 25 | | 14:01:58 |

1 [REDACTED] 14:02:00
2 MR. BOYEA: Okay. 14:02:03
3 BY MR. BOYEA: 14:02:03
4 [REDACTED] 14:02:04
5 14:02:07
6 14:02:14
7 14:02:18
8 Is that effectively what's happening? 14:02:23
9 MR. KAPLAN: Object to form. 14:02:33
10 [REDACTED] 14:02:34
11 14:02:36
12 14:02:38
13 14:02:39
14 14:02:40
15 14:02:42
16 14:02:45
17 14:02:50
18 14:02:53
19 MR. BOYEA: I see. 14:02:53
20 [REDACTED] 14:02:55
21 14:02:55
22 14:02:57
23 14:03:00
24 14:03:03
25 14:03:05

1 [REDACTED] 14:03:08
2 [REDACTED] 14:03:13
3 Q I see. All right. 14:03:16
4 [REDACTED] 14:03:18
5 [REDACTED] 14:03:20
6 [REDACTED] 14:03:24
7 [REDACTED] 14:03:30
8 A Sorry, I'm still looking. I think I might 14:04:07
9 know where it is. 14:04:09
10 Q No worries. 14:04:10
11 [REDACTED] 14:04:22
12 [REDACTED] 14:04:23
13 [REDACTED] 14:04:28
14 [REDACTED] 14:04:34
15 [REDACTED] 14:04:38
16 [REDACTED] 14:04:41
17 [REDACTED] 14:04:43
18 [REDACTED] 14:04:46
19 [REDACTED] 14:04:48
20 [REDACTED] 14:04:53
21 MR. BOYEA: Correct. 14:04:55
22 MR. KAPLAN: I'm actually still pulling it 14:04:55
23 up too. 14:04:57
24 BY MR. BOYEA: 14:05:02
25 Q So, Mr. MacLellan, I understand -- 14:05:03

1 method and that's going to be -- your file is going 14:10:12
2 [REDACTED] 14:10:16
3 [REDACTED] 14:10:29
4 [REDACTED] 14:10:32
5 MR. BOYEA: Yeah. 14:10:33
6 MR. KAPLAN: Okay. Give us just a second. 14:10:34
7 MR. BOYEA: Uh-huh. 14:10:36
8 THE WITNESS: I have it opened, though. 14:10:37
9 MR. BOYEA: Perfect. And for the record, 14:10:39
10 [REDACTED] 14:10:41
11 [REDACTED] 14:10:46
12 [REDACTED] 14:10:51
13 Let me know once you are there, Marc. 14:10:53
14 MR. KAPLAN: Almost. 14:10:56
15 Okay. Yeah. 14:11:09
16 MR. BOYEA: All right. 14:11:11
17 BY MR. BOYEA:
18 Q Mr. Maclellan, if you could just help me 14:11:12
19 [REDACTED] 14:11:14
20 [REDACTED] 14:11:16
21 [REDACTED] 14:11:19
22 [REDACTED] 14:11:23
23 MR. KAPLAN: Object to form. Scope. 14:11:26
24 [REDACTED] 14:11:28
25 [REDACTED] 14:11:30

| | | |
|----|--|----------|
| 1 | | 14:11:31 |
| 2 | | 14:11:36 |
| 3 | | 14:11:40 |
| 4 | | 14:11:41 |
| 5 | | 14:11:43 |
| 6 | | 14:11:47 |
| 7 | | 14:11:48 |
| 8 | | 14:11:50 |
| 9 | | 14:11:52 |
| 10 | | 14:11:54 |
| 11 | | 14:11:57 |
| 12 | | 14:11:58 |
| 13 | | 14:12:04 |
| 14 | | 14:12:08 |
| 15 | | 14:12:12 |
| 16 | | 14:12:15 |
| 17 | | 14:12:17 |
| 18 | | 14:12:20 |
| 19 | | 14:12:25 |
| 20 | | 14:12:29 |
| 21 | | 14:12:31 |
| 22 | | 14:12:33 |
| 23 | | 14:12:39 |
| 24 | | 14:12:42 |
| 25 | | 14:12:44 |

| | |
|----|----------|
| 1 | 14:12:46 |
| 2 | 14:12:49 |
| 3 | 14:12:52 |
| 4 | 14:12:55 |
| 5 | 14:12:57 |
| 6 | 14:13:00 |
| 7 | 14:13:03 |
| 8 | 14:13:05 |
| 9 | 14:13:06 |
| 10 | 14:13:09 |
| 11 | 14:13:11 |
| 12 | 14:13:13 |
| 13 | 14:13:16 |
| 14 | 14:13:20 |
| 15 | 14:13:23 |
| 16 | 14:13:27 |
| 17 | 14:13:32 |
| 18 | 14:13:38 |
| 19 | 14:13:42 |
| 20 | 14:13:46 |
| 21 | 14:13:49 |
| 22 | 14:13:53 |
| 23 | 14:13:56 |
| 24 | 14:14:01 |
| 25 | 14:14:04 |

| | | |
|----|--|----------|
| 1 | | 14:14:06 |
| 2 | | 14:14:07 |
| 3 | | 14:14:10 |
| 4 | | 14:14:13 |
| 5 | | 14:14:16 |
| 6 | | 14:14:18 |
| 7 | | 14:14:24 |
| 8 | | |
| 9 | | 14:14:28 |
| 10 | | 14:14:31 |
| 11 | | 14:14:34 |
| 12 | | 14:14:38 |
| 13 | | 14:14:42 |
| 14 | | 14:14:43 |
| 15 | | 14:14:45 |
| 16 | | 14:14:48 |
| 17 | | 14:14:51 |
| 18 | | 14:14:51 |
| 19 | | 14:14:54 |
| 20 | | 14:14:57 |
| 21 | | 14:15:01 |
| 22 | | 14:15:03 |
| 23 | | 14:15:06 |
| 24 | | 14:15:10 |
| 25 | | 14:15:14 |

1 14:28:26
2 14:28:29
3 14:28:32
4 14:28:36
5 14:28:37
6 14:28:40
7 14:28:45
8 14:28:47
9 14:28:48
10 14:28:50
11 14:28:54
12 14:28:57
13 14:28:59
14 14:29:01
15 14:29:03
16 14:29:05
17 MR. BOYEA: That makes sense. 14:29:10
18 BY MR. BOYEA:
19 14:29:11
20 14:29:14
21 14:29:18
22 14:29:20
23 14:29:21
24 14:29:24
25 14:29:27

1 MR. KAPLAN: Object to form. 14:29:31
2 [REDACTED] 14:29:31
3
4 [REDACTED] 14:29:38
5 [REDACTED] 14:29:41
6 [REDACTED] 14:29:44
7 [REDACTED] 14:29:48
8 [REDACTED] 14:29:51
9 [REDACTED] 14:29:53
10 [REDACTED] 14:29:56
11 [REDACTED] 14:30:00
12 [REDACTED] 14:30:01
13 [REDACTED] 14:30:03
14 [REDACTED] 14:30:08
15 [REDACTED] 14:30:11
16 MR. BOYEA: I see. I see. Okay. 14:30:15
17 BY MR. BOYEA:
18 Q So shifting gears a little bit, the first 14:30:17
19 [REDACTED] 14:30:19
20 [REDACTED] 14:30:22
21 [REDACTED] 14:30:25
22 [REDACTED] 14:30:28
23 [REDACTED] 14:30:31
24 [REDACTED] 14:30:37
25 [REDACTED] 14:30:42

1 STATE OF CALIFORNIA)

2) ss.

3 COUNTY OF LOS ANGELES)

4 I, Lynda L. Fenn, Certified Shorthand

5 Reporter No. 12566 for the State of California, do
6 hereby certify:

7 That prior to being examined, the witness named
8 in the foregoing deposition was duly sworn to testify
9 the truth, the whole truth, and nothing but the
10 truth;

11 That said deposition was taken down by me in
12 shorthand at the time and place therein named and
13 thereafter reduced by me to typewritten form and that
14 the same is a true, correct, and complete transcript
15 of said proceedings.

16 Before completion of the deposition, review of
17 the transcript [X] was [] was not requested. If
18 requested, any changes made by the deponent (and
19 provided to the reporter) during the period allowed
20 are appended hereto.

21 I further certify that I am not interested in
22 the outcome of the action.

23 Witness my hand this 16th day of November, 2022.

24 

25 Lynda L. Fenn, CSR, RPR